

**Minutes
Nevada State Emergency Response Commission (SERC)
Fourth Quarterly Meeting**

**Clark County Fire Department Training Center
4425 W. Tropicana Avenue
Las Vegas, Nevada**

October 11, 2007

Members Present

Richard Brenner, Co-Chair
Carl Byrd (teleconferenced)
Susan Crowley
Larry Farr
Stacey Giomi
John Helmreich
Jim O'Brien
Tom Porta
Jim Reagan
Doug Webb

Members Not Present

Tim McAndrew, Co-Chair
Tom Czehowski
Dennis Nolan
Steve Orr
Frank Siracusa
Doyle Sutton
Jim Wright

Staff

Karen Pabón
Bruce Ferrel
Suzanne Adam
Samantha Ladich

Guests

William Bergquist
Ernest Chambers
Mike McCrimon
Sandy Smith

I. CALL TO ORDER

Richard Brenner, Co-Chairman, called the meeting to order at 9:08 a.m.

II. INTRODUCTIONS

Members, staff and guests introduced themselves as shown above. A quorum was present.

III. APPROVAL OF JULY 12, 2007 MEETING MINUTES

Jim O'Brien made a motion to approve the minutes of the July 12, 2007 meeting. Larry Farr seconded the motion which was approved unanimously.

IV. NEW BUSINESS

A. Local Emergency Planning Committee (LEPC) Updates (*attending LEPC Representatives*)

Carson City LEPC – Stacey Giomi advised Carson City is participating with the National Guard on an exercise they are doing June 2008 in northern Nevada. Carson City has a new Health Director, who has a strong background in the military and public health planning. Carson LEPC is planning a pandemic tabletop exercise.

Clark LEPC – Mr. O'Brien advised the HazMat Explo is November 5-8. On October 10, Clark County Emergency Management held an area-wide command post meeting. All the mobile command posts of the various agencies participated at one convenient location and executed ten tasks. The exercise was very informative. Clark LEPC will have a tabletop exercise on December 10 at the Clark County Government Center in the Pueblo Room.

Lander LEPC – Carl Byrd advised Lander LEPC had a meeting October 10. The LEPC had a drill recently regarding a cyanide spill involving the local hospital, doctors, ambulance service, and fire departments. Mr. Byrd stated the LEPC is doing well, and the co-chairs are doing an excellent job.

Tribal Emergency Response Commission (TERC) – William Bergquist, Washoe Tribe, advised he was glad to see Mr. Brenner and Karen Pabón will be attending the Elko Tribal Conference, October 16-18. The TERC has recently received an HMEP grant directly from USDOT, which will be used for planning and training. A chemical emergency response plan has been drafted, and a commodity flow study has been completed.

B. Presentation by Ernest Chambers, Jr., Las Vegas Metropolitan Police Department (LVMPD), Homeland Security Bureau regarding the Silver Shield Program

Ernest Chambers, Jr., Las Vegas Metropolitan Police Department, gave a presentation on the Silver Shield Program. The Silver Shield Program is an information portal for first responders. The five main objectives of the Silver Shield Program are 1) Critical infrastructure/Key resource identification, capture, catalogue and analysis, 2) Security assessment and analysis, 3) Infrastructure intelligence analysis, 4) Emergency response planning and 5) Special/major events security planning. Mr. Chambers advised the system is integrative with other systems.

A discussion ensued regarding facility reporting of suspicious activity; integration with SERC/SFM hazardous materials database and ability to share data; technology requirements; acquiring private industry data; identifying Silver Shield user requirements to determine what hazardous materials information to populate this database with; and possible need for MOUs for formal partnering. There was no specific outcome of this discussion.

Mr. Giomi asked what the local government outreach plan was. Mr. Chambers

advised he and Mr. O'Brien are working on the State's critical infrastructure plan. Mr. O'Brien stated how to outreach local government is part of this planning process. Mike McCrimon advised the goal is to have the Silver Shield data accessible to first responders by the beginning of 2008.

Planning, developing, and integrating of the Silver Shield Program continues.

C. U.S. Environmental Protection Agency Update

Mr. Brenner advised Mike Ardito could not attend this meeting. The EPA newsletter and 2008 pocket calendars were handed out. Mr. Brenner highlighted portions of the newsletter:

Mr. Ardito is working with TOPOFF 4 exercises in the middle of October, in Phoenix, Portland, and Guam. EPA will be working with state, federal and local government officials to handle an incident dealing with a radiological dispersion device.

The "mid-year" meeting of the National Association of SARA Title III Program Officials (NASTTPO) combined with the annual EPA Western Regions' Emergency Prevention and Preparedness conference is scheduled to be held Tuesday, November 6 through Thursday, November 8, 2007 at the Tuscany Hotel in conjunction with the annual HazMat Explo.

Mr. Brenner advised the survey for LEPCs has been delayed until further notice.

Mr. Brenner advised the Computer-Aided Management of Emergency Operations (CAMEO) received the 2007 Continuing Challenge HazMat Emergency Response Workshop's Innovation and Technology Award.

The National Response Plan has been renamed the National Response Framework.

EPA fined Las Vegas Paving/Lone Mountain mining and asphalt manufacturing company \$18,060 due to failure to submit timely, complete, and correct toxic release inventory forms.

D. U.S. Federal Emergency Management Agency (FEMA) Update

Karen Pabón advised there was nothing to report from FEMA. SERC is waiting for the \$8,000 allocation from FEMA for HazMat Explo.

E. Occupational Safety and Health Administration Update

Ms. Pabón stated Tom Czehowski was acting in a different capacity in another division of the Department of Business and Industry, but is still a member of the

SERC. There was nothing to report.

F. Division of Emergency Management

Frank Siracusa was not present and there was nothing to report.

G. Division of Environmental Protection Update

Tom Porta advised NDEP is waiting to see if they have been awarded the grant for the personnel database system.

H. Nevada State Fire Marshal Update

Jim Wright was not present. Ms. Pabón stated the Memorandum of Understanding (MOU) has been signed and forwarded to Samantha Ladich, Deputy Attorney General (DAG).

Ms. Pabón advised SERC has received forms from the State Fire Marshal's Office (SFM) for making purchases of training equipment through the contingency fund. Mr. Giomi stated he had not been contacted to test the form and procedures.

I. Report of Legislative Committee

Jim Reagan advised the Committee has not met and there was nothing to report.

J. Report of Strategic Planning Committee

Susan Crowley advised the Committee has not met and there was nothing to report.

K. Report of Funding Committee

1. *Discussion/Review/Action and approval of FY 2008 Hazardous Materials Emergency Preparedness (HMEP) grant applications from LEPCs and State agencies

Mr. Brenner stated the Funding Committee discussed the FY 2008 HMEP grant applications. Staff formatted information into a spreadsheet for the LEPCs and State agencies that applied for the grant. The planning fund requests were for updating plans. The training fund requests were for HazMat Explo¹¹. The Funding Committee recommended reduction of costs by using the two people per room/two people per vehicle formula.

Churchill and Lander counties are the only two LEPCs requesting planning funds. Ms. Pabón advised Churchill LEPC is the first LEPC implementing

revised Policy 8.2. The revision states LEPCs who have met all administrative requirements except having a National Response Team (NRT-1) compliant plan approved by the SERC, may apply for grant funds from the planning category to appropriately review, develop, revise and/or update the plan.

The Funding Committee recommended using SERC fees to supplement the shortfall not to exceed \$25,000 for a match. All contingencies recommended by the Committee have been met except for Lander LEPC. Lander LEPC requested a waiver for a quarterly meeting due to extenuating circumstances, which the Funding Committee recommended approval.

Mr. Giomi made a motion to approve the recommendations of the Funding Committee. Mr. O'Brien seconded the motion. Mr. Giomi withdrew the original motion and made a motion to approve the recommendations of the Funding Committee and use SERC fees to supplement the shortfall up to the amount of \$18,545. Mr. O'Brien seconded the motion which was approved unanimously.

2. *Discussion/Review/Action and approval of proposed amendment to award additional funding from the United We Stand (UWS) license plate funding to the Supreme Court for Allocation #08-UWS-32-01

Mr. Brenner briefly summarized the Supreme Court's request for an additional \$1,800 to grant funding previously awarded. The Funding Committee recommended denial of this request.

Mr. Farr made a motion to deny the Supreme Court's request for additional funding for the United We Stand grant award. Mr. O'Brien seconded the motion which was approved unanimously.

L. Report of Bylaws Committee

Mr. Farr advised the Committee has not met and there was nothing to report.

M. Report of the Information Technology Committee

Mr. Brenner advised the Committee has not met and there was nothing to report.

N. Report of the Policy Committee

Mr. O'Brien advised the Committee has not met and there was nothing to report, and that a date would be set for a future meeting.

O. *Discussion/Recommendation/Action on possible award of SERC funds to Clark County LEPC to support hazardous materials database training

at HazMat Explo¹¹

Mr. O'Brien made a motion to approve an award of SERC funds to Clark LEPC to support hazardous materials database training at HazMat Explo¹¹. Susan Crowley seconded the motion.

Mr. O'Brien advised the vendor would like 50 students but currently 27 people responded to attend. A discussion ensued. Ms. Pabón stated the Funding Committee recommended the SFM take a lead role in training first responders on the database as part of their awareness classes. In addition, SFM could incorporate the database training into the curriculum of local trainers.

A vote was taken. The motion failed unanimously.

P. Report of Executive Director

Ms. Pabón stated the end of the fiscal year budget closed. SERC fees of \$926,000 balanced forward. SERC has \$274,000 obligated for the new database, and \$445,000 obligated in grants. Ms. Pabón advised SERC can expect approximately \$400,000 this fiscal year, plus additional interest and any grants that are deobligated.

SERC also balanced forward \$565,000 in United We Stand license plate funds, with \$629,000 obligated in grants. Approximately \$300,000 in license plate fees is expected this fiscal year.

The budgeting process for the next biennium has begun and Ms. Pabón has already had meetings with the Technology Division on technology requests. Ms. Pabón advised she is looking at the Geologic Information System (GIS) module for the database.

The database vendor has completed the requirements document, the mapping document, the design detail document, and the programming and database migration script. The current database is ready for migration which has begun on the vendor's servers. Testing will begin on November 13, 2007. There will be a couple of weeks of internal testing. The database is scheduled for delivery in mid-December.

There are new travel policies approved by the State Board of Examiners. Ms. Pabón has developed a policy for SERC in conjunction with what the Department of Public Safety (DPS) adopted. A discussion ensued. It was suggested when traveling on LEPC business, reimbursement will be at county rates. When traveling on SERC business, reimbursement will be at State rates. Mr. O'Brien recommended staff prepare samples of a travel claim at 50%, 75%, and 100% reimbursement. Mr. O'Brien stated this was an issue for the Policy Committee.

Compliance Reports – The Elko LEPC is out of compliance as there is no plan update, exercise or EPCRA publication. Bruce Ferrel advised they were to have a meeting to work on the plan. Mineral LEPC is out of compliance as there is no exercise.

A discussion ensued about getting more DPS personnel involved with these counties. The Funding Committee recommended Ms. Pabón send a letter to Director Phil Galeoto, DPS, requesting he support the LEPCs by appointing Nevada Highway Patrol or SFM personnel to serve as members.

The Planning and Training Subcommittee had a meeting during this last quarter. The Committee will be developing standard criteria to review plans.

Ms. Pabón stated it is time to review the Nevada Administrative Codes (NACs) and recommend any migration of policies to NAC. Staff will be meeting with the Policy Committee.

Ms. Pabón advised staff received an official Attorney General (A.G.) opinion regarding the Open Meeting Law and the need to cancel/stop a meeting if there is no quorum. The issue was brought up by an Assistant District Attorney (D.A.) directing the LEPC not to hold a meeting, even without action, if there was no quorum present. The A.G.'s opinion is it is appropriate to continue with the meeting as long as there is no action taken in the absence of a quorum.

Ms. Ladich was requested to review what staff advised were violations of the open meeting laws regarding the timely submission of agendas and minutes. The Open Meeting Law states agendas need to go out to interested parties three days prior to the meeting date. Ms. Pabón has met with the Churchill LEPC Chair, Mert Mickelson. Mr. Mickelson assured Ms. Pabón he would be prompt in getting the agendas to SERC staff. Ms. Ladich is working with the Open Meeting Law DAG to draft an informal letter to White Pine County D.A. to advise of an Open Meeting Law violation. Meeting minutes must be available upon request within 30 days. Ms. Ladich suggested including the submission of agenda and minutes in SERC Policy.

Ms. Pabón advised Senate Bill 451 came out of the last legislative session requiring charitable organizations, receiving money from the sale of specialty license plates, to report their expenditures to the LCB Committee on Special License Plates. The Senate Bill exempts those who are in the executive budget agencies from reporting expenditure of funds. Ms. Pabón stated the LCB/Legal Division advised SERC is not subject to this reporting requirement even though the license plate budget account is not in the executive budget.

Upon request of EPA, Mr. Brenner and Ms. Pabón will be attending a Tribal/EPA Conference in Elko, October 16-18, 2007. A panel will discuss

the laws that govern the SERC and LEPCs, and what the tribes can expect from SERC and vice versa.

The next SERC Quarterly meeting is January 10, 2008, in Las Vegas at the Clark County Fire Department Training Center.

V. PUBLIC COMMENTS

No public comment.

VI. ADJOURNMENT

Mr. O'Brien made a motion to adjourn the meeting at 10:58 a.m.

DRAFT